

**PATENT
5957-41701**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.:
 Issued:
 Application No.: 09/728,373
 Filed: November 28, 2000
 Inventor:
 Ting Yee et al.

Title: Optical Communications
 Using Heterodyne Detection

Examiner: Kim, David S.
Group Art Unit: 2633
Atty. Dct. No: 5957-41701

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

B. Noël Kivlin

Printed Name _____

Signature _____

Date _____

TRANSMITTAL OF POWER OF ATTORNEY AND NOTICE OF CHANGE OF ADDRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find attached a Power of Attorney with regard to the above-identified patent application. Applicant respectfully requests the Commissioner to change the correspondence address for the above identified patent application. The old correspondence address was:

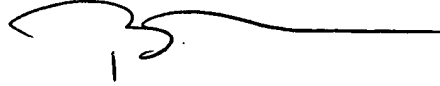
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View CA 94041

The new correspondence address is:

B. Noël Kivlin
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, Texas 78767-0398
(512) 853-8840
Customer ID #35690

If there are any questions regarding this matter, please contact me at the telephone number provided below.

Respectfully submitted,



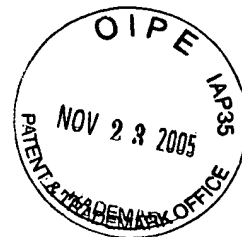
B. Noël Kivlin
Reg. No. 33,929
ATTORNEY FOR APPLICANTS

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8800

Date: 11-18-05

POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Forster Energy LLC ("assignee"), a Delaware corporation having a place of business at _____, certifies that to the best of assignee's knowledge and belief it is the assignee of the entire right, title, and interest in and to the above-referenced patent and represents that the undersigned is a representative authorized and empowered to sign on behalf of the assignee.

Assignee has reviewed the assignment documents that evidence the placement of title in the assignee, true and correct copies of which are attached hereto, and understands and believes that these assignment documents have been submitted for recordation in the U.S. Patent and Trademark Office.

Pursuant to 37 C.F.R. §§1.36 and 3.71, the assignee hereby revokes all powers of attorney previously given and appoints the following attorneys and/or agents in connection with the patent applications and patents identified in Appendix A, that are filed with the United States Patent and Trademark Office:

the practitioners at Customer Number 35690, and

| | | | |
|---------------------|-----------------|--------------------|-----------------|
| Mark K. Brightwell | Reg. No. 47,446 | Mario J. Lewin | Reg. No. 54,268 |
| Kay A. Colapret | Reg. No. 52,759 | Lawrence J. Merkel | Reg. No. 41,191 |
| Stephen J. Curran | Reg. No. 50,664 | Eric B. Meyertons | Reg. No. 34,876 |
| Mark R. DeLuca | Reg. No. 44,649 | Neal E. Persky | Reg. No. 53,452 |
| Heather L. Flanagan | Reg. No. 54,101 | Liza Philip | Reg. No. 51,352 |
| Russell Henrichs | Reg. No. 50,354 | David W. Quimby | Reg. No. 39,338 |
| Erik A. Heter | Reg. No. 50,652 | Rory D. Rankin | Reg. No. 47,884 |
| Jeffrey C. Hood | Reg. No. 35,198 | Gareth Sampson | Reg. No. 52,191 |
| Rajiv Jauhari | Reg. No. 55,850 | Chris Thompson | Reg. No. 43,188 |
| B. Noël Kivlin | Reg. No. 33,929 | Mark S. Williams | Reg. No. 50,658 |
| Robert C. Kowert | Reg. No. 39,255 | | |

each of said attorneys or agents being a member or an associate of the firm of Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. §3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventor(s).

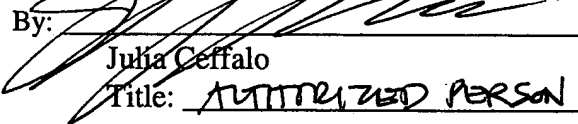
Send all future correspondence to:

B. Noël Kivlin
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, Texas 78767-0398
(512) 853-8800

Assignee of Interest

Forster Energy LLC
2215-B Renaissance Dr, Ste 5
Las Vegas NV 89119

Dated: 28 Jun 2005

By: 
Julia Ceffalo
Title: AUTHORIZED PERSON

PATENT ASSIGNMENT

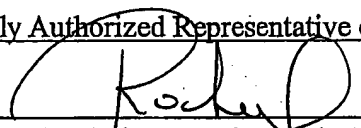
For good and valuable consideration, the receipt of which is hereby acknowledged, Kestrel Solutions, Inc. ("ASSIGNOR"), has sold, assigned, and transferred and does hereby sell, assign, and transfer to Forster Energy LLC ("ASSIGNEE"), for itself and its successors, transferees, and assignees, the following:

1. The entire worldwide right, title, and interest in the patent applications and issued patents listed in Exhibit A ("PATENT RIGHTS"); and
2. The entire worldwide right, title, and interest in and to:
(a) the PATENT RIGHTS, including any right of priority; (b) any divisional, continuation, substitute, renewal, reissue, and other related applications thereto which have been or may be filed in the United States or elsewhere in the world; (c) any patents which may be granted on the applications set forth in (a) and (b) above; and (d) the right to sue in its own name and to recover for past infringement of any or all of any applications or patents issuing therefrom.

ASSIGNOR agrees to, when requested, and without further consideration, in order to carry out the intent of this Assignment, execute all oaths, assignments, powers of attorney, applications, and other papers necessary or desirable to fully secure to ASSIGNEE the rights, titles and interests herein conveyed.

Duly Authorized Representative of ASSIGNOR

Date of Signature


Kestrel Solutions Inc. by Rocky Ho for FTI Consulting, Inc.,
In its capacity as Plan Agent
353 Sacramento Street
Suite 1800
San Francisco, CA 94111

June 2, 2005

State of California

County of San Francisco

On June 2, 2005 before me, Patricia J. Jeffries personally
[DATE] [NOTARY]

PUBLIC]

appeared Rocky Ho personally known to me or proved to me on the
basis of [REPRESENTATIVE]

satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that [he/she] executed the same in [his/her] authorized capacity, and that by [his/her] signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Notary Seal



Notary

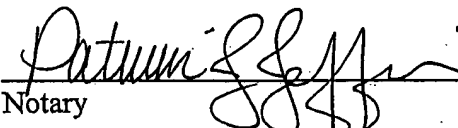


Exhibit A

Patent Lots for Kestrel Solutions, Inc.

TOTAL COUNTS

| |
|-------------------------|
| 7 Issued |
| 11 Pending |
| <u>10 Abandoned</u> |
| Total: 28 Assets |

Status as of April 27, 2005

| Lot | Our Ref. | USPN/ App. Ser. No. | Issue Date/ Filing Date | Title | Inventors | Status |
|-----|------------|----------------------------|---|---|--|------------|
| 1 | 3208 US | 6,204,951 09/082,620 | Issued on 03/20/01 Filed on 05/19/98 | Electro-Optic Modulator With Improved Harmonic Performance | James F. Coward Ting K. Yee Peter Chang Abraham Kou | Issued. |
| 2 | 3209 CA | 2320762 | 08/18/00 | System And Method For Spectrally Efficient Transmission Of Digital Data Over Optical Fiber | Michael W. Rowan Roger R. Taur Peter Chang James F. Coward Stuart Wilson Ting K. Yee | Abandoned. |
| 2 | 3209 EP | 99905649.2 | 09/07/00 | System And Method For Spectrally Efficient Transmission Of Digital Data Over Optical Fiber | Michael W. Rowan Roger R. Taur Peter Chang James F. Coward Stuart Wilson Ting K. Yee | Pending. |
| 2 | 3209 JP | 2000-535125 | 08/30/00 | System And Method For Spectrally Efficient Transmission Of Digital Data Over Optical Fiber | Michael W. Rowan Roger R. Taur Peter Chang James F. Coward Stuart Wilson Ting K. Yee | Pending. |
| 2 | 4917 US | 6,407,843 B1 09/728,376 | Issued on 06/18/02 Filed on 11/28/00 | System And Method For Spectrally Efficient Transmission Of Digital Data Over Optical Fiber | Michael W. Rowan Roger R. Taur Peter Chang James F. Coward Stuart Wilson Ting K. Yee | Issued. |
| 3 | 3592 US | 6,452,945 09/229,594 | Issued on 09/17/02 Filed on 01/13/99 | Electrical Add-Drop Multiplexing For Optical Communications Networks Utilizing Frequency Division Multiplexing | David B. Upham Augustus Elmer Laurence J. Newell David A. Pechner Abraham Kou Michael W. Rowan James F. Coward Norman L. Swenson Minnie Ho | Issued. |

| Lot | Our Ref. | USPN / App. Ser. No. | Issue Date / Filing Date | Title | Inventors | Status |
|-----|------------|-------------------------|---|--|---|----------|
| 4 | 3593 US | 6,046,838 09/218,731 | Issued on 04/04/00 Filed on 12/22/98 | Automatic Bias Control For Electro-Optic Modulators | Abraham H. Kou Ting K. Yee Norman L. Swenson | Issued. |
| 5 | 4291 US | 6,529,303 09/405,367 | Issued on 03/04/03 Filed on 9/24/99 | Optical Communications Networks Utilizing Frequency Division Multiplexing | Michael W. Rowan David B. Upham Augustus Elmer Laurence J. Newell David A. Pechner Abraham Kou James F. Coward Norman L. Swenson Minnie Ho Peter H. Chang Ting K. Yee Stuart E. Wilson | Issued. |
| 5 | 4291 JP | 2000-594215 | 07/13/01 | Optical Communications Networks Utilizing Frequency Division Multiplexing | Michael W. Rowan David B. Upham Augustus Elmer Laurence J. Newell David A. Pechner Abraham Kou James F. Coward Norman L. Swenson Minnie Ho Peter H. Chang Ting K. Yee Stuart E. Wilson | Pending. |

| Lot | Our Ref. | USPN/ App. Ser. No. | Issue Date/ Filing Date | Title | Inventors | Status |
|-----|------------|------------------------|----------------------------|--|---|------------|
| 5 | 7650 US | 10/382,094 | 03/04/03 | Optical Communications Networks Utilizing Frequency Division Multiplexing | Michael W. Rowan David B. Upham Augustus Elmer Laurence J. Newell David A. Pechner Abraham Kou James F. Coward Norman L. Swenson Minnie Ho Peter H. Chang Ting K. Yee Stuart E. Wilson | Abandoned. |
| 6 | 4469 US | 09/571,349 | 05/16/00 | Through-Timing Of Data Transmitted Across An Optical Communications System Utilizing Frequency Division Multiplexing | David Pechner Laurence J. Newell | Abandoned. |
| 7 | 4475 US | 09/569,761 | 05/12/00 | Channel Gain Control For An Optical Communications System Utilizing Frequency Division Multiplexing | Laurence J. Newell James F. Coward | Abandoned. |
| 7 | 4475 EP | 00968394.7 | 04/04/02 | Channel Gain Control For An Optical Communications System Utilizing Frequency Division Multiplexing | Laurence J. Newell James F. Coward | Abandoned. |
| 8 | 4739 US | 09/595,731 | 06/16/00 | I and Q Gain and Phase Difference Compensation for QAM Signals | David Pechner | Pending. |
| 9 | 5133 US | 09/854,153 | 05/11/01 | Channel Gain Control For An Optical Communications System Utilizing Frequency Division Multiplexing | Laurence J. Newell James F. Coward | Abandoned. |

| Lot | Our Ref | USPN / App. Ser. No. | Issue Date / Filing Date | Title | Inventors | Status |
|-----|------------|-------------------------|---|---|---|------------|
| 9 | 5134 US | 09/853,556 | 05/11/01 | Control Channel For An Optical Communications System Utilizing Frequency Division Multiplexing | David A. Pechner Laurence J. Newell Augustus Elmer David B. Upham | Abandoned. |
| 9 | 5639 US | 09/854,246 | 05/11/01 | Synchronizing Nodes in An Optical Communications System Utilizing Frequency Division Multiplexing | Laurence J. Newell | Pending. |
| 10 | 5135 US | 09/851,593 | 05/08/01 | Variable Rate High-Speed Input and Output in Optical Communication Networks | Tian Shen Robert B. Clarke, Jr. Thomas J. Roman David B. Upham David A. Pechner Laurence J. Newell | Abandoned. |
| 11 | 5137 US | 09/870,880 | 05/30/01 | Automatic Assignment of Addresses to Nodes in a Network | Tjandra Trisno Chris L. Freckmann | Pending. |
| 12 | 5169 US | 09/728,373 | 11/28/00 | Optical Communications Using Heterodyne Detection | Ting K. Yee Peter H. Chang | Pending. |
| 13 | 5286 US | 09/747,261 | 12/20/00 | Fiber Optic Communications using Optical Single Sideband Transmission and Direct Detection | Ting K. Yee Peter H. Chang James F. Coward | Abandoned. |
| 14 | 5366 US | 6,493,131 09/746,370 | Issued on 12/10/02 Filed on 12/20/00 | Wavelength-Locking of Optical Sources | Shin-Sheng Tang Slava Yazhgur Ting K. Yee Peter H. Chang | Issued. |

| Lot | Our Ref. | USPN/ App. Ser. No. | Issue Date/ Filing Date | Title | Inventors | Status |
|-----|----------------------------|-------------------------|---|--|--|------------|
| 15 | 5682 US | 09/918,886 | 07/30/01 | Optical Communications Using Multiplexed Single Sideband Transmission And Heterodyne Detection | Ting K. Yee Peter H. Chang Shin-Sheng Tamg Gregory M. Cutler Slava Yazhgur Ji Li Laurence J. Newell James F. Coward Michael W. Rowan Normal L. Swenson Matthew C. Bashaw | Pending. |
| 16 | 5747 US | 09/816,242 | 03/23/01 | Through-Timing Of Data Transmitted Across An Optical Communications System Utilizing Frequency Division Multiplexing | David A. Pechner Laurence J. Newell Mark D. Konezny | Pending. |
| 17 | 6053 US | 6,624,766 09/922,500 | Issued on 09/23/03 Filed on 08/02/01 | Recovery and Transmission of Return-To-Zero Formatted Data Using Non-Return-To-Zero Devices | Nicholas J. Possely David B. Upham | Issued. |
| 18 | 6479 US | 10/107,085 | 03/25/02 | Optical Transceiver using Heterodyne Detection and a Transmitted Reference Clock | Ji Li | Pending. |
| 19 | KES- 001/ 9525 US | 09/863,888 | 05/22/01 | Method and Apparatus for providing a Gigabit Ethernet Circuit Pack | Anthony William Jorgenson Nicholas Joseph Possley | Pending. |
| 20 | KES- 002 9526 US | 09/828,481 | 04/06/01 | Method and Apparatus for Providing Full Duplex/Half Duplex Radially Distributed Serial Control Bus Architecture | Anthony William Jorgenson | Abandoned. |